

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 23-80163-CR-CANNON**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**NIMER NECTALI MATUTE-ACOSTA,  
a/k/a “Welmer Carcamo”**

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION WITH CLARIFICATION  
AND AMENDING INDICTMENT BY AGREEMENT OF THE PARTIES**

**THIS CAUSE** comes before the Court upon the Report and Recommendation entered by Magistrate Bruce E. Reinhart following Change of Plea Hearing [ECF No. 35] and the Joint Clarification in Connection with Defendant’s Plea [ECF No. 39]. On October 25, 2023, Magistrate Judge Reinhart held a Change of Plea hearing [ECF No. 32] during which Defendant pled guilty to the sole Count of the Indictment [ECF No. 9] pursuant to a written factual proffer [ECF No. 33]. Magistrate Judge Reinhart thereafter issued a Report recommending that the Court accept Defendant’s guilty plea to the sole Count of the Indictment, that the Court find Defendant to have freely and voluntarily entered his guilty plea, and that the Court adjudicate him guilty of the offense [ECF No. 9]. Neither party has filed objections to the Report, and the time to do so has expired.

The Court has conducted a review of the record and finds no error in the Report. Therefore, it is **ORDERED AND ADJUDGED** as follows:


1. The Report and Recommendation [ECF No. 35] is **ACCEPTED**.
2. The Indictment is amended to remove reference to the penalty provision in Section

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1326(b)(1) [ECF No. 39; *see* ECF No. 9].

3. The guilty plea entered into by Defendant **Nimer Nectali Matute-Acosta** as to the sole Count of the Indictment as amended herein [ECF No. 39] is **ACCEPTED**.
4. Defendant **Nimer Nectali Matute-Acosta** is adjudicated guilty of illegal reentry after removal or deportation, in violation of 8 U.S.C. § 1326(a) [ECF No. 9].

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 15th day of December 2023.



**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record